

## **MINUTES**

### **UTAH Security Services Licensing Board MEETING**

**April 10, 2008**

**Room 210 – 2<sup>nd</sup> Floor – 9:00 a.m.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 9:08 a.m.

**ADJOURNED:** 12:35 p.m.

**Bureau Manager:**

Clyde Ormond

**Board Secretary:**

Jacky Adams

**Board Members Present:**

Marci McGregor, Chairperson  
Paul K Rothe  
James Young  
John McCoy  
Clayton Merchant  
Sheriff Merrell

**Board Members Absent:**

**Guests:**

Robert Anderton (PACSCo)  
Roy Waters, (Metro Protective Agency)  
Derick Johnson (CBI Security)  
Amber Johnson  
Kyle Dubois (Securitas)  
Roger McIff (Peak Alarm)  
Michael Keddington (AT Systems)  
Jairus Duncan (Coleman Facilities Management)  
Sherralee Oglesby (Santa Fe Protective Services)  
Derrick Phillips (Cash Man Services)  
Aaron Hoopes (Cash Man Services)

**DOPL Staff Present:**

David Stanley, Division Director  
Kent Barnes, Compliance

#### **TOPICS FOR DISCUSSION**

##### **ADMINISTRATIVE BUSINESS:**

Minutes from the February 14, 2008

##### **APPOINTMENTS:**

9:00 a.m. Compliance

#### **DECISIONS AND RECOMMENDATIONS**

Mr. Rothe seconded by Mr. McCoy made a motion to approve the minutes from the February 14, 2008 Board Meeting, the motion carried unanimously.

Mr. Barnes appeared and advised the Board that a representative of the Compliance Bureau will be updating

the Board at each meeting regarding each licensee who is on probation with this profession.

Mr. Barnes also questioned the Board regarding the level of compliance they require for each probationer. Mr. Ormond explained that this Board will request a non-compliance letter be sent to a probationer upon the first deviation from their MOU (Memorandum of Understanding) or Stipulation and Order. The second deviation, or if the probationer does not come into compliance, an Order to Show Cause is requested.

This issue was then tabled until the next meeting on June 12<sup>th</sup> for further discussion.

9:15 a.m. Johnson, Derick

Mr. Barnes explained that at Mr. Johnson's last meeting with the Board he was required to come into full compliance with his MOU prior to March 29<sup>th</sup>. Mr. Barnes then explained that since that time Mr. Johnson has been required to undergo two urinalysis tests, of which only one was taken, and his "Employer Report" is now past due. Mr. Barnes further explained that since Mr. Johnson was placed on probation in 2006, he has been required to take six urinalysis tests, of which only four were taken, due to financial problems.

Mr. Johnson and Ms. Johnson appeared for Mr. Johnson's scheduled probation interview. Mr. Johnson submitted a current "Employer Report" from his supervisor at CBI Security. Mr. Johnson explained that the financial responsibility of caring for his family makes it difficult to meet all requirements of his MOU. Ms. Johnson explained that she is disabled, and has been out of work for some time, adding that it is difficult for Mr. Johnson to support their family, and keep an active checking account, without her help.

Mr. Barnes and Mr. Ormond explained that if the Board felt it appropriate they could choose to release Mr. Johnson from the urinalysis testing, and extend his probation. Mr. McCoy explained that he understood why Mr. Johnson would place his family's needs before his MOU requirements, however, he felt that if the Board chose to only release Mr. Johnson from the urinalysis testing, it would set a precedence which may not benefit the public or Mr. Johnson. Mr. McCoy also felt that Mr. Johnson would continue to make excuses for not meeting all requirements of his MOU.

Mr. Merchant questioned Mr. Johnson regarding if he had read and understood the financial requirements of his

MOU, and what had transpired since that time to make it difficult for him to meet all requirement. Mr. Johnson explained that he had read and understood his MOU; however, in 2006 he had felt that he could “Superman his way through”, and that nothing has changed in his financial situation since then, it has always been difficult to meet the financial requirement.

Mr. Rothe then explained that due to his current employment with CBI Security, he has spoken with the owner Mr. Greg Valdez, who consistently is impressed by Mr. Johnson, and feels that he is a valuable asset to the company.

Ms. McGregor explained that due to her experience in substance abuse, she did not feel that Mr. Johnson was currently using any illegal substances. Mr. Ormond again suggested extending Mr. Johnson’s probationary period and releasing him from the urinalysis testing requirement.

Mr. McCoy made a motion to release Mr. Johnson from his probation, based on his financial inability to comply with his MOU requirements, the motion passed with Mr. Merchant voting against, Ms. McGregor abstaining, and Mr. Rothe was recused.

Mr. Ormond later overturned this decision, based on Mr. Johnson having only taken four required urinalyses tests; Mr. Johnson will be required to complete the remainder of his probation, without needing to meet the urinalyses requirement.

9:30 a.m. Dubois, Kyle

Mr. Barnes explained that Mr. Dubois appears to be in compliance with his MOU.

Mr. Dubois appeared for his scheduled probation interview with the Board. After a brief discussion it was determined that he was in compliance with his MOU, and would meet again with the Board on August 9<sup>th</sup> at 9:30 a.m.

9:45 a.m. Peak Alarm Co Guard & Patrol – QA  
McIff, Roger

Mr. McIff appeared for his scheduled appointment with the Board. Mr. Ormond reviewed Peak Alarm Co Guard & Patrol’s application for “Replacement of Qualifying Agent” with Mr. McIff as the proposed Qualifying Agent.

After a brief discussion it was determined that Mr. McIff meet the requirements for approval as the Qualifying Agent, with the exception of passing the Utah Security Personnel Qualifying Agent exam. Mr. McIff explained that he is scheduled to take the exam on April 17<sup>th</sup>.

10:00 a.m. Garda CL Northwest Inc – QA  
Keddington, Michael

Mr. Merchant seconded by Mr. McCoy made a motion to approve Mr. McLiff as the Qualifying Agent for Peak Alarm Co Guard & Patrol, contingent upon passing the Utah Security Personnel Qualifying Agent exam, the motion carried unanimously.

Mr. Keddington appeared for his scheduled appointment with the Board. Mr. Ormond reviewed Garda CL Northwest Inc's application for "Replacement of Qualifying Agent" with Mr. Keddington as the proposed Qualifying Agent. Mr. Ormond further explained that AT Systems Northwest changed their name with the Division of Corporations and Commercial Code in February 2008, however, due to a misunderstanding the Division of Occupational and Professional Licensing was not notified.

After a brief discussion it was determined that Mr. Keddington meet the requirements for approval as the Qualifying Agent, with the exception of passing the Utah Security Personnel Qualifying Agent exam.

Mr. McCoy seconded by Mr. Rothe made a motion to approve Mr. Keddington as the Qualifying Agent for Garda CL Northwest Inc, contingent upon passing the Utah Security Personnel Qualifying Agent exam, the motion carried unanimously.

10:30 a.m. Coleman Facilities Management – QA  
Duncan, Jairus

Mr. Duncan appeared for his scheduled appointment with the Board. Mr. Ormond reviewed Coleman Facilities Management's application for "Replacement of Qualifying Agent" with Mr. Duncan as the proposed Qualifying Agent.

After a brief discussion it was determined that Mr. Duncan meets the requirements for approval as the Qualifying Agent.

Mr. Young seconded by Mr. Rothe made a motion to approve Mr. Duncan as the Qualifying Agent for Coleman Facilities Management, the motion carried unanimously.

10:45 a.m. Santa Fe Protective Services – QA  
Oglesby, Sherralee

Ms. Oglesby appeared for her scheduled appointment with the Board. Mr. Ormond reviewed Santa Fe Protective Services, Inc's application for "Replacement of Qualifying Agent" with Ms. Oglesby as the proposed Qualifying Agent.

After a brief discussion it was determined that Ms. Oglesby meet the requirements for approval as the Qualifying Agent, with the exception of passing the Utah Security Personnel Qualifying Agent exam.

11:00 a.m. Cash Man Services – QA Phillips,  
Derrick

Mr. Rothe seconded by Mr. Merrell made a motion to approve Ms. Oglesby as the Qualifying Agent for Santa Fe Protective Services Inc, contingent upon passing the Utah Security Personnel Qualifying Agent exam, the motion carried unanimously.

Mr. Phillips and Mr. Hoopes appeared for their scheduled appointment with the Board. Cash Man Services is applying for licensure as an Armored Car Company, with Mr. Phillips as the Qualifying Agent. Mr. Ormond reviewed Mr. Phillips's resume and "Verification of Qualifying Experience" and explained that Mr. Phillips appeared to meet the qualifications for approval as the Qualifying Agent, except for passing the Utah Security Personnel Qualifying Agent exam, adding that Cash Man Services application is missing a current "Certificate of Insurance" with all required exposures.

Mr. Phillips explained that Cash Man Services has worked in the retail industry for several years, they are responsible for maintenance and programming of client ATM machines, and have recently been requested by some of their clients to begin providing banking services. He then added that he will be taking the Utah Security Personnel Qualifying Agent exam on April 19<sup>th</sup>.

Mr. Ormond explained the definition of an Armed Courier Service, and a Contact Security Company, adding that if Cash Man Services duties do not include transporting or offering to transport tangible personal property, or protecting tangible personal property...or the life and well being of a human, they may not be in the business of Contract Security.

Mr. Phillips then added that all employees are Armored Officers, and have Concealed Weapons Permits. Mr. Merchant questioned Mr. Phillips regarding if his employees carry a firearm while on duty. Mr. Phillips responded, by stating that they do carry a firearm while performing their job duties. Mr. Merchant then asked Mr. Phillips if they performed guard services while their client is reloading the ATM machine. Mr. Phillips responded, stating that they do for some customers. Mr. Hoopes commented that the Company has only provided this service since the employees obtained their Armed Private Security Officers licenses, less than one year ago. He further added that they thought that providing this service was allowable due to being licensed Armed Private Security Officers, and having their Concealed Weapons Permits.

Mr. Ormond asked Mr. Phillips how long Cash Man has been working in Utah. Mr. Phillips responded stating that they have been in Utah for about twelve years. However, the employees have only had their Armed Security licenses for about one year. Mr. Ormond then explained that an individual may hold a Security License; however, they may not represent themselves as a Security Officer unless they are working for a licensed Contract Security Company, within Utah.

Mr. Rothe asked Mr. Phillips who preformed his initial training; Mr. Phillips explained that their trainer was Mr. John Donatello. After the meeting convened it was determined that Mr. Donatello has been using the PACSCo program since June 2005. Mr. Phillips explained that, Cash Man Services has six employees, five of which are currently licensed, as Armed Private Security Officers.

Mr. Ormond explained that an individual may obtain the appropriate training, and receive a license prior to becoming employed by a Contract Security Company; however, an individual may only represent himself as an Armed Private Security Officer if he is employed by a licensed Contract Security Company, within this State.

Mr. McCoy seconded by Mr. Young made a motion to table this application until after Division Investigations could determine if Cash Man Services has been working in Utah without being appropriately licensed.

11:15 a.m. Viliamu, Onolina – Probation Interview

Mr. Barnes explained that at Ms. Viliamu's last appointment with the Board, she stated that she would be moving out of the state, it was determined that she should surrender her license, prior to leaving. The Division was notified on April 8<sup>th</sup> that Ms. Viliamu is currently in Utah, and attempting to obtain employment as an Unarmed Private Security Officer.

Ms. Viliamu failed to appear for her scheduled probation interview. Mr. McCoy seconded by Mr. Young requested a non-compliance letter be sent to Ms. Viliamu requiring her to attend the June 12<sup>th</sup> meeting at 9:45, to explain why she missed this appointment.

## **DISCUSSION ITEMS:**

Current Rules Review

Mr. Ormond explained that since SB98 passed legislature, Title 58 Chapter 63 has been rewritten, separating Contract Security from Armored Car. Once the rules are written, and approved the Contract Security rules will be R156-63a and the Armored Car rules will be R156-63b.

*The proposed current changes affecting Contract Security are:*

R156-63a-302a (4) – any licensee requesting a license type change, must undergo a new background check.

R156-63a-302c (1) - a passing score on the Basic or Firearms training will be raised to 80%.

R156-63a-302d (1) – it was suggested to raise the liability limits, to meet current financial responsibilities.

R156-63a-302e – the minimum age to obtain a license as an Armed Security Officer will be raised to 21. Mr. Waters added that the Federal Government will allow a combat Veteran, to possess a firearm; Ms. McGregor suggested adding this exemption.

R156-63a-306 – will be changed to allow Contract Security Companies sixty days to change their Qualifying Agent, to meet the current statutory requirements.

R156-63a-502 (12) – was added to clarify that it will be considered unprofessional conduct to wear a uniform, insignia, badge or display a license that would lead a reasonable person to believe that an individual is connected to a Contract Security Company when not employed as a Contract Security Officer.

R156-63a-609 – the wording will be changed to ensure that all licenses must carry both their Drivers License or Utah Identification Card, and their Division license, while performing their job duties.

R156-63a-613 – will be reworded to ensure that all licensees understand that they must notify their Contract Security Company within seventy-two hours if arrested, charged or indicted for a criminal offense above a class C Misdemeanor. And the Contract Security Company must notify the Division within seventy-two hours of being notified of the arrest, charge, or indictment.

*After several meeting with members of the Armored Car industry it has been determined that the proposed changes affecting Armored Car will be:*

R156-63b-302a (4) – any licensee requesting a license type change, must undergo a new background check. Also each Armored Car Officer must undergo a new background check on a yearly basis.

R156-63b-302e – the liability limits will be raised to 500,000 per incident, 2,000,000 total, and the exposures, will be changed to:

General Liability, Assault and Battery, Personal Injury, Libel and Slander, Broad form property damage, Damage to property in the care, custody or control of the armored car company, and Errors and omissions.

R156-63b-302e – the minimum age to obtain a license as an Armored Car Officer will be raised to 21.

R156-63b-304 (7) - legal powers and limitations of private security officers, and observation and reporting techniques will not be required.

R156-63b-306 – will be changed to allow Armored Car Companies sixty days to change their Qualifying Agent, to meet the current statutory requirements.

R156-63b-502 (12) – was added to clarify that it will be considered unprofessional conduct to wear a uniform, insignia, badge, or display a license that would lead a reasonable person to believe that an individual is connected to an Armored Car Company when not employed as an Armored Car Officer.

R156-63b-603 – a total of twenty-four hours of initial training must be completed prior to an On-the-Job training form or a Temporary license being issued. Also Armored Car Officers will not need to be trained in:

Search and seizure, report writing, or patrol techniques. However, the use of firearms will be added, and there will no longer be any specific hour requirements for each section.

R156-63b-604 – armed patrol techniques will be removed as a training requirement.

R156-63b-605 – an Armored Car Officer is not required to have “Security” on their uniform.

R156-63b-609 – the wording will be changed to ensure that all licenses must carry both their Drivers License or Utah Identification Card, and their Division license, while performing their job duties.

R156-63b-610 – The Armored Car Company Operational Manual does not need to include;

Detaining or arresting, restraining, search and seizure, ingress and egress control, or crowd control, however



accident scene control shall be added.

R156-63b-613 – will be reworded to ensure that all licenses understand that they must notify their Armored Car Company within seventy-two hours if arrested, charged or indicted for a criminal offense above a class C Misdemeanor. And the Armored Car Company must notify the Division, in writing, within seventy-two hours of being notified of the arrest, charge, or indictment.

#### Armored Car Applications

The Board reviewed the “Security Personnel: Armored Car Security Officer”, “Armored Car Company”, and “Replacement of Qualifying Agent: Contract Security and Armored Car Companies” applications. Mr. Ormond requested for the Board to review the applications and notify the Division of any necessary changes.

Mr. Ormond then explained that a letter will be sent to each licensed Contract Security Company in May 2008 allowing them to choose the type of license they wish to hold (Contract Security Company and/or Armored Car Company). Also each licensed Armed Security Officer, if they can prove that they have completed the appropriate continuing education course, will be allowed to choose which license they wish to hold (Armed Security Officer and/or Armored Car Security Officer).

#### ADJOURN:

12:35 p.m.

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

October 30, 2008  
Date Approved

(ss) Johnny McCoy  
Chairperson, Security Services Licensing Board

November 3, 2008  
Date Approved

(ss) Clyde Ormond  
Bureau Manager, Division of Occupational & Professional Licensing